

REMARKS/ARGUMENTS

Claims 1-3, 5 and 7-40 are currently pending in the application. Claims 4 and 6 have been canceled without prejudice. Claims 1-40 were rejected in the Office Action mailed February 5, 2008 (hereinafter referred to as "Office Action"). In view of the following remarks and amendments, applicant respectfully requests a timely Notice of Allowance be issued in this case.

Claim Rejections under 35 U.S.C. § 103(a)

The Office Action rejected claims 1-40 under 35 U.S.C. § 103(a) as being unpatentable over by U.S. Patent No. 6,772,146 to Khemlani et al. (hereinafter referred to as "Khemlani") in view of U.S. Patent No. 6,772,132 to Kemp, II et al. (hereinafter referred to as "Kemp") in view of U.S. Patent No. 6,211,880 to Impink, Jr. (hereinafter referred to as "Impink"). Applicant respectfully submits that claims 1-3, 5 and 7-40 are not obvious over the cited art and are, therefore, allowable under 35 U.S.C. § 103(a) for the reasons stated below.

Claims 1, 26 and 40

The Office Action indicated that "Khemlani fail[s] to explicitly teach displaying a visual favorable/unfavorable trade indicator comparing the opening value trend to the closing value trend for the investment" (page 2, section 3, lines 15-16). In addition, the Office Action indicated that "Khemlani and Kemp, II fail to explicitly teach displaying a visual favorable/unfavorable trade indicator for the time interval based on a comparison of the opening value trend to the closing value trend for the investment, wherein the visual favorable/unfavorable trade indicator for the time interval is a first color whenever the closing value trend is greater than the opening value trend and the visual favorable/unfavorable trade indicator for the time interval is a second color whenever the closing value trend is lower than the opening value trend for the time interval" (page 3, lines 15-22). Finally, the Office Action indicated that Impink discloses that a "display might be indicative of the trends in trading prices of stocks issued by corporations active primarily in the 'services sector'" (page 3, lines 25-27) and this concept cures the deficiencies of Khemlani and Kemp (page 4, lines 3-14). Applicant respectfully disagrees.

Applicant has amended the claims to further clarify the invention, and respectfully submits that the cited references do not disclose, teach or suggest obtaining, calculating opening and closing value trends, and simultaneously displaying visual favorable/unfavorable trade indicators based on the calculated value trends for two different time intervals over the same time period.

More specifically, applicant respectfully submits that the cited references do not disclose, teach or suggest:

receiving a first opening value and a first closing value for the investment for a series of consecutive first time intervals within a time period;

receiving a second opening value and a second closing value for the investment for a series of consecutive second time intervals within the time period wherein the second time interval is not equal to the first time interval;

calculating a first opening value trend for the first time intervals using a market trend indicator and the first opening values for the investment, and *a second opening value trend for the second time intervals* using the market trend indicator and the second opening values for the investment;

calculating a first closing value trend for the first time intervals using the market trend indicator and the first closing values for the investment, and *a second closing value trend for the second time intervals* using the market trend indicator and the second closing values for the investment;

displaying a first visual favorable/unfavorable trade indicator for the first time intervals based on a comparison of the first opening value trend to the first closing value trend for the investment, wherein the first visual favorable/unfavorable trade indicator is *a first color whenever the first closing value trend is greater than the first opening value trend* and the first visual favorable/unfavorable trade indicator is *a second color whenever the first closing value trend is lower than the first opening value trend*; and

displaying a second visual favorable/unfavorable trade indicator for the second time intervals based on a comparison of the second opening value trend to the second closing value trend for the investment, wherein the second visual favorable/unfavorable trade indicator is *the first color whenever the second closing value trend is greater than the second opening value trend* and the second visual favorable/unfavorable trade indicator is *the second color whenever the second closing value trend is lower than the second opening value trend*.

As a result, applicant respectfully submits that the cited references do not disclose, teach or suggest all the elements recited in claims 1, 26 and 40 as amended. Accordingly, applicant respectfully submits that claims 1, 26 and 40 are not obvious or the cited references and are, therefore, allowable under 35 U.S.C. § 103(a). Applicant respectfully requests that the rejection of claims 1, 26 and 40 be withdrawn.

Claims 2-3, 5, 7-25 and 27-39

Applicant respectfully submits that claims 2-3, 5, 7-25 and 27-39 depend from claims 1, 26 and 40 which are allowable for the reasons stated above, and further distinguish over the cited references. In addition, applicant respectfully submits that the cited references do not disclose, teach or suggest repeating the claimed steps for different time intervals” as recited in claims 20-22. Claims 2-3, 5, 7-25 and 27-39 are, therefore, allowable under 35 U.S.C. § 103(a). Accordingly, Applicant respectfully requests that any rejection of claims 2-3, 5, 7-25 and 27-39 be withdrawn.

Conclusion

For the reasons set forth above, applicant respectfully requests reconsideration by the examiner and withdrawal of the rejections. Applicant submits that claims 1-3, 5 and 7-40 are fully patentable. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner has any questions or comments, or if further clarification is required, it is requested that the examiner contact the undersigned at the telephone number listed below.

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Respectfully submitted,

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